

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
REGION 9, SAN DIEGO REGION**

ATTACHMENT F

FACT SHEET

**ORDER NO. R9-2005-0015
NPDES NO. CA0108391**

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Attachment 1 Reasonable Potential Analysis

ATTACHMENT F
FACT SHEET
FOR
WASTE DISCHARGE REQUIREMENTS
ORDER NO. R9-2005-0015
NPDES NO. CA0108391

This Fact Sheet includes the specific legal requirements and detailed rationale that serve as the basis for the requirements of this Order.

I. PERMIT INFORMATION

Mountain Water Ice Company (hereinafter Discharger) owns and operates an ice manufacturing facility, located at 2843 Benet Road, Oceanside, California. The facility discharges wastewater to the San Luis Rey River, a water of the United States and is currently regulated by Order No. 2000-34 which expires on March 8, 2005.

The Discharger filed a Report of Waste Discharge and submitted an application for renewal of its Waste Discharge Requirements (WDRs), National Pollutant Discharge Elimination System (NPDES) permit on September 9, 2004, and was deemed complete by the Regional Board on September 29, 2004. A site visit was conducted on February 10, 2004, to observe operations and collect information to develop permit requirements, limitations and conditions.

II. FACILITY DESCRIPTION

Mountain Water Ice Company manufactures crushed ice and pressed ice blocks for wholesale distribution and retail sale. Source water for the ice manufacturing process is comprised of municipal water from the City of Oceanside. The facility manufactures approximately 390 tons of ice per day during the summer and approximately 175 tons of ice per day during the winter.

Defrost water used during the ice manufacturing process is directed to, and used in, the evaporative condensers. Approximately 2,430 gallons per day (gpd) of this process water is lost to evaporation. Overflow from the evaporative condensers is directed to the snowmelt sump. The snowmelt sump collects wastewater from melted ice throughout the facility. The commingled process water and melted ice are then directed from the snowmelt sump to a reclaim sump. Approximately 6,300 gpd of this wastewater is utilized on-site for landscape irrigation, the remaining wastewater is discharged to a concrete channel and then to the receiving water body, the San Luis Rey River.

Available flow data submitted to the Regional Board for the period between February 2000 and December 2003 indicated daily flow rates varying from 0 gpd to 88,800 gpd, with a daily average flow of approximately 44,371 gpd.

No chemicals or additives are added to the process water during the ice manufacturing process.

A. Description of Wastewater Treatment or Controls

The wastewater is not treated in any manner prior to discharge.

B. Discharge Points and Receiving Waters

The Discharger submitted a NPDES permit renewal application dated September 9, 2004, for the renewal of Order No. 2000-34. The Discharger proposes to discharge up to 85,000 gpd of defrost water, overflow from evaporative condensers, and melted ice. The wastewater is discharged into a concrete-lined channel approximately one-half mile long that ultimately discharges to the San Luis Rey River through Discharge Point 001, at 32 degrees 12 minutes 30 seconds North latitude and 117 degrees 21 minutes 0 seconds West longitude, in the Mission Hydrologic Subarea (HSA) (903.11) of the San Luis Rey Hydrologic Unit (HU) (903.00).

C. Summary of Existing Requirements and Self-Monitoring Report (SMR) Data

The previous Monitoring and Reporting Program (M&RP) Order No. 2000-34 Mountain Water Ice Company required flow monitoring for each discharge and semiannual monitoring for temperature, total chlorine residual, conductivity, pH, and TDS. In addition, acute toxicity monitoring was required once in five years.

Effluent Limitations contained in Order No. 2000-34 for Discharge Point 001 (Monitoring Location 001) and representative monitoring data from the term of the previous Order are as follows:

Constituent	Units	Effluent Limitation		Monitoring Data ¹	
		Average Monthly	Maximum Daily	Highest Average Monthly Discharge	Highest Daily Discharge
Total Dissolved Solids	mg/L	500	550	NR ²	597
	lbs/day	355	390	NR ²	NR ²
PH	pH Units	6.5 to 8.5 ³		NA ⁵	7.79 – 8.46
Temperature	°C	4		NA ⁵	28.0
Total Residual Chlorine	mg/L	NA ⁵		NA ⁵	1.5
Conductivity @ 20 °C	µmhos/cm	NA ⁵		NA ⁵	940
Acute Toxicity	TUa	6		NA ⁵	0.77

¹ Available monitoring data is from February 2000 through December 2003.

² Not reported by the facility.

³ The effluent shall remain within this range at all times.

⁴ Shall not exceed the temperature of the intake potable water, nor shall not be more than 4 °C below the intake potable water.

⁵ Not applicable.

⁶ No Acute toxicity shall occur in undiluted effluent.

D. Summary of Permit Compliance

Based on a review of available effluent monitoring data, the Discharger violated Order No. 2000-34 two times in the last four years. The discharge violated the effluent limitations for TDS on two occasions. The results of TDS samples collected on June 6, 2003 and December 28, 2001 were 570 mg/L and 597 mg/L, respectively. These results exceed the effluent limitation of 550 mg/L established in Order No. 2000-34. No other effluent violations of Order No. 2000-34 were noted during the previous four years.

For the first 12 months after the adoption of the Order, The Discharger shall conduct monthly effluent monitoring for TDS, copper, bromoform, temperature and total residual chlorine. The effluent monitoring data shall be submitted to the Regional Board by June 1, 2006. The Discharger will revert to the effluent monitoring schedule as specified in the Monitoring and Reporting Program, Section IV.A.1. The Regional Board shall review the monitoring data to determine whether the discharge effluent concentrations for those parameters have the potential to impact the receiving water.

A NPDES compliance evaluation inspection (CEI) was conducted on February 10, 2004. The CEI report states, "It should be noted that the facility representative stated that discharges are often mixed with clean municipal water to reduce the concentration of TDS. This practice was not observed during the inspection. Dilution of an effluent stream to achieve compliance with effluent limitations is a significant violation of 40 CFR 122.41(j) and is strictly prohibited."

It was not possible to determine compliance with the effluent limitation for temperature due to a lack of intake source water monitoring data. The facility was not required under the previous Monitoring and Reporting Program (M&RP) to conduct intake source water monitoring.

The previous permit did not establish applicable compliance standards for residual chlorine, thus no compliance determinations can be made at this time regarding residual chlorine.

The Regional Board identified no other compliance issues for the facility during the life of the previous Order. It should be noted that enforcement actions may still be taken against the Discharger for violations of the previous Order.

E. Planned Changes (Not Applicable)

III. APPLICABLE PLANS, POLICIES, AND REGULATIONS

In addition to the regulatory framework established in the Findings section of Order No. R9-2005-0015, the requirements contained in the proposed Order are based on the requirements and authorities described in this section.

A. Water Quality Control Plans

On September 8, 1994 the Regional Board adopted a revised *Water Quality Control Plan for the San Diego Basin (9)* (herein after, Basin Plan). The Basin Plan contains water quality objectives

and beneficial uses for surface waters and groundwaters in the San Diego Basin. Existing beneficial uses for receiving waters affected by discharges under this Order are summarized below:

Outfall Number	Receiving Water Name	Beneficial Use(s)
001	San Luis Rey River	<u>Existing:</u> Municipal & domestic supply (MUN); agricultural supply (AGR); industrial services supply (IND); freshwater replenishment (FRSH); hydropower generation (POW); contact water recreation (REC1); non-contact water recreation (REC2); warm freshwater habitat (WARM); cold freshwater habitat (COLD); and wildlife habitat (WILD). <u>Intermittent:</u> None. <u>Potential:</u> None.

B. Other Applicable Water Quality Plans, Policies and Regulations

1. Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act), last amended on January 1, 2004, establishes the State Water Resources Control Board (State Board), and the Regional Boards as the principle state agencies responsible for control of water quality. The Porter-Cologne Act empowers the Regional Boards to formulate and adopt, for all areas within the regions, a Water Quality Control Plan (Basin Plan) which designates beneficial uses and establishes water quality objectives. Further, the plan designates the Regional Boards with the authority to issue Waste Discharge Requirements to regulate the discharge of waste to surface and ground waters of the state.

2. Thermal Plan

The State Board adopted a *Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California* (Thermal Plan) on May 18, 1972, and amended this Plan on September 18, 1975. The Plan contains temperature objectives for inland surface waters.

3. National and California Toxic Rules

U.S. EPA adopted the *National Toxics Rule* (NTR) on December 22, 1992, which was amended on May 4, 1995 and November 9, 1999, and the *California Toxics Rule* (CTR) on May 18, 2000, which was amended on February 13, 2001. These Rules contain water quality standards for priority pollutants applicable to this discharge.

4. State Implementation Policy

On March 2, 2000, State Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State

Implementation Policy or SIP). The SIP was effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the USEPA through National Toxics Rule (NTR) and to the priority pollutant objectives established by the Regional Boards in their Basin Plans, with the exception of the provision on alternate test procedures for individual discharges that have been approved by the USEPA Regional Administrator. The alternate test procedures provision was effective on May 22, 2000. The SIP was effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The SIP requires the dischargers' submittal of data sufficient to conduct the determination of priority pollutants requiring water quality-based effluent limits (WQBELs) and to calculate the effluent limitations.

5. Establishing Effluent Limitations

40 CFR 122.44(a) requires that permits include applicable technology-based limitations and standards. Section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water. Where numeric water quality objectives have not been established, 40 CFR 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a); proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information; or an indicator parameter.

6. Anti-Degradation

40 CFR 131.12 requires that State water quality standards include an anti-degradation policy consistent with the Federal policy. The State Board established California's anti-degradation policy in State Board Resolution No. 68-16, which is deemed to incorporate the requirements of the Federal anti-degradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The permitted discharge is consistent with the anti-degradation provision of 40 CFR 131.12 and State Board Resolution No. 68-16.

7. Previous Order

In some cases, existing Waste Discharge Requirements and permit conditions (effluent limitations and other special conditions) contained in Order No. 2000-34 have been carried over to this permit.

C. Impaired Water Bodies on CWA 303(d) List

Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. For all 303(d)-listed water bodies and pollutants, the Regional Board plans to develop and adopt Total Maximum Daily Loads (TMDLs) that will specify Waste Load Allocations (WLAs) for point sources and Load Allocations (LAs) for non-point sources, as appropriate.

The U.S. EPA has approved the State's 303(d) list of impaired water bodies. Certain receiving waters in the San Diego County watersheds do not fully support beneficial uses and have been classified as impaired on the 2002 303(d) list and have been scheduled for TMDL development.

The 2002 State Board's California 303(d) list classifies the San Luis Rey River as impaired for chloride and total dissolved solids (TDS). Currently there is no proposed date for TMDL completion for either of these pollutants in the receiving water body. Upon completion of the TMDLs for the San Luis Rey River, the Regional Board reserves the right to reopen this permit to include TMDL waste load allocations.

Effluent data submitted by the Discharger indicates high levels of TDS in the discharge which may contribute to the impairment of the water body for TDS.

IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source discharges to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of the discharge of pollutants is established through effluent limitations and other requirements in NPDES permits. The CWA establishes two principal bases for effluent limitations. First, dischargers are required to meet, at a minimum, technology-based effluent limitations that reflect several levels of control that consider both technical factors as well as costs and economic impact. Second, they are required to meet any more stringent water quality-based effluent limitations (WQBELs) that are needed to protect applicable designated uses of the receiving water.

Effluent limitations have been established for total dissolved solids, pH, total residual chlorine, copper, bromoform, and acute toxicity.

A. Technology-Based Effluent Limitations

1. Scope and Authority

The CWA requires that technology-based effluent limitations be established based on several levels of controls:

- Best practicable treatment control technology (BPT) is based on the average of the best performance by plants within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.
- Best available technology economically achievable (BAT) represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.
- Best conventional pollutant control technology (BCT) is a standard for the control from existing industrial point sources of conventional pollutants including BOD, TSS, fecal coliform, pH, and

oil and grease. The BCT standard is established after considering the “cost reasonableness” of the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result, and also the cost effectiveness of additional industrial treatment beyond BPT.

- New source performance standards (NSPS) that represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires EPA to develop effluent limitations, guidelines and standards (ELGs) representing application of BPT, BCT, BAT, and NSPS. Section 402(a)(1) of the CWA and 40 CFR 125.3 of the NPDES regulations authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern. Where BPJ is used, the permit writer must consider specific factors outlined in 40 C.F.R. § 125.3.

Due to the lack of national ELGs for discharges from ice manufacturing facilities and the absence of data available to apply BPJ to develop numeric effluent limitations, existing permit limitations based on past performance will serve as the equivalent of technology-based effluent limitations in order to carry out the purpose and intent of the CWA.

2. Applicable Technology-Based Effluent Limitations

The facility uses municipal water from the City Oceanside as the source water for the ice manufacturing process. Typical pollutants expected to be present in the source water include residual chlorine. Further, data submitted to the Regional Board by the discharger indicates high concentrations of residual chlorine in the effluent discharge to the receiving water body. Residual chlorine at the concentrations indicated in the effluent data has been determined by the Regional Board to be toxic to aquatic life. The Regional Board has determined that an effluent limitation for residual chlorine that will be protective of water quality must be established. Although the Basin Plan does not contain objectives for total residual chlorine, it does contain narrative objectives prohibiting discharges that cause toxicity to aquatic organisms.

In accordance with section 402(a)(1) of the CWA and 40 CFR 125.3 of the NPDES regulations that authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern, effluent limitations have been established for residual chlorine. The total residual chlorine effluent limits in this Order are based on USEPA's Quality Criteria for Water – 1986 (“Gold Book”) (1986) and are consistent with other Orders adopted by this Regional.

Table IV.B.2 Summary of Technology-based Effluent Limitations

Discharge Point 001 -- Monitoring Location 001

Constituent	Units	Effluent Limitations			Basis
		Average Monthly	Maximum Daily	Instantaneous Maximum	
Total Residual Chlorine ¹	µg/L	2	4	10	EPA Gold Book, Other adopted Orders
	Lbs/day ¹	0.0014	0.0028	0.0071	

¹ Mass based limitations were calculated using a maximum flow rate of 85,000 gpd.

B. Water Quality-Based Effluent Limitations (WQBELs)

1. Scope and Authority

As specified in 40 CFR § 122.44(d)(1)(i), permits are required to include WQBELs for pollutants (including toxicity) that are or may be discharged at levels which cause, have reasonable potential to cause, or contribute to an excursion above any state water quality standard. The process for determining reasonable potential and calculating WQBELs when necessary is intended to protect the designated uses for the receiving water as specified in the Basin Plan, and achieve applicable water quality objectives and criteria (that are contained in other state plans and policies, or water quality criteria contained in the CTR and NTR).

2. Applicable Beneficial Uses and Water Quality Criteria and Objectives

In order to protect the beneficial uses established in Chapter 2 of the Basin Plan (referenced in Part III. A of this Fact Sheet), Chapter 3 of the Basin Plan establishes water quality objectives (for bacterial, physical, chemical, biological characteristics, and radioactivity), general requirements for management of waste discharged to the inland surface waters, quality requirements for waste discharges (effluent quality requirements), discharge prohibitions, and general provisions.

Chapter 3 of the Basin Plan states, “Changes in normal ambient pH levels shall not exceed 0.5 units in fresh waters with designated cold freshwater habitat (COLD) or warm freshwater habitat (WARM) beneficial uses.” The Basin Plan further states, “In inland surface waters the pH shall not be depressed below 6.5 nor raised above 8.5”.

Table 3-2 of the Basin Plan establishes site-specific water quality objectives for the San Luis Rey Hydrologic Unit for various constituents including, but not limited to, TDS, chloride, and sulfate.

The Thermal Plan contains temperature objectives for inland surface waters.

3. Determining the Need for WQBELs for Priority Pollutants

In accordance with Section 1.3 of the SIP, the Regional Board conducted a reasonable potential analysis (RPA) for each priority pollutant with an applicable criterion or objective to determine if

a WQBEL is required in the Order. The Regional Board analyzed effluent and receiving water data to determine if a pollutant in a discharge has the reasonable potential to cause or contribute to an excursion above a state water quality standard. For all parameters that have the reasonable potential to cause or contribute to an excursion above a water quality standard, numeric WQBELs are required. The RPA considers water quality objectives outlined in the CTR, NTR, and Basin Plan. To conduct the RPA, the Regional Board identified the maximum observed effluent concentration (MEC) and maximum background concentration (B) in the receiving water for each constituent, based on data provided by the Discharger.

Section 1.3 of the SIP provides the procedures for determining reasonable potential to exceed applicable water quality criteria and objectives. The SIP specifies three triggers to complete a RPA:

- 1) Trigger 1 – If the MEC is greater than or equal to the CTR water quality criteria or applicable objective (C), a limit is needed.
- 2) Trigger 2 – If $MEC < C$ and background water quality $(B) > C$, a limit is needed.
- 3) Trigger 3 – If other related information such as CWA 303(d) listing for a pollutant, discharge type, compliance history, etc. indicates that a WQBEL is required.

Sufficient effluent and ambient data are needed to conduct a complete RPA. If data are not sufficient, the Discharger will be required to gather the appropriate data for the Regional Board to conduct the RPA. Upon review of the data, and if the Regional Board determines that WQBELs are needed to protect the beneficial uses, the permit will be reopened for appropriate modification.

Some water quality criteria are hardness and pH dependent. The Discharger provided hardness data for the effluent as part of their required CTR monitoring. The immediate receiving water is an open concrete-lined channel; typically the effluent makes up most of the flow in the channel. Further, the concrete-lined channel enters the receiving water about a half-mile from the facility and therefore the sampling of the receiving water was not feasible. Thus, hardness measurements were taken of the effluent. The hardness value for the effluent sampled for on September 13, 2004 was 333 mg/L as $CaCO_3$ and was used for the evaluation of reasonable potential. In addition, the pH of the effluent analyzed on September 13, 2004 (8.3 standard units (s.u.)) was compared to previously submitted pH values in discharge monitoring reports. The lowest value (7.89 s.u., sampled on December 19, 2002), representing the most conservative approach for establishing criteria, was used for the evaluation of reasonable potential.

The RPA was performed for the priority pollutants for which effluent data were available. These data were used in the RPA for Discharge Point 001 and are summarized in Attachment 1 to this Fact Sheet.

Based on the RPA, there is reasonable potential for copper and bromoform to exceed water quality standards at Discharge Point 001. Thus, effluent limitations and effluent monitoring requirements for copper and bromoform have been established in accordance with the SIP.

4. Determining the Need for WQBELs for Non-Priority Pollutants

Mountain Water Ice Company operates an ice manufacturing facility. The facility discharges various effluent streams associated with ice manufacturing, including defrost water, evaporative condenser overflow, and melted ice through Discharge Point 001. Typical non-priority pollutants expected to be present in this type of discharge include total dissolved solids (TDS) and chlorine.

The previous permit established limits for total dissolved solids (TDS), pH, temperature, and acute toxicity.

Data submitted by the Discharger to the Regional Board indicates two effluent limitation violations for TDS. Further, the receiving water body is 303(d) listed as an impaired water body for TDS and chloride. Dissolved solids in the wastewater may include, among other impurities, chlorides and sulfates which occur naturally in water and may become concentrated due to water evaporation from the evaporative condensers. Thus, TDS, chlorides and sulfates are considered pollutants of concern for this discharge.

Order No. 2000-34 established monitoring requirements for electrical conductivity. Electrical conductivity is generally established for dischargers of this nature to make it possible to calculate the total dissolved solids (TDS) concentration contained within the discharge effluent. The facility is currently required to sample and analyze for TDS directly, eliminating the need to monitor electrical conductivity. This Order eliminates the electrical conductivity monitoring requirements established in the previous Order. Based on the fact that TDS is still addressed in the current Order, and the previous Order did not establish water quality based effluent limitations for electrical conductivity, this Regional Board finds that the removal of electrical conductivity monitoring requirements is compliant with all applicable State and Federal anti-backsliding regulations.

Because effluent streams may alter the ambient receiving water quality for temperature and pH, these parameters are considered pollutants of concern.

The previous permit established a numeric effluent limitation for temperature. The previous effluent limitation for temperature required the effluent to not exceed the temperature of the intake potable water, nor be more than 4°C below the intake potable water. Because the temperature of the potable water is not relative to the temperature of the receiving water, the Regional Board finds that this previously established effluent limitation is not protective of water quality and not applicable to the intended use of the Thermal Plan. The previously established effluent limitation for temperature will not be carried over to this Order. Due to a lack of temperature data for the receiving water, it is not possible to classify the effluent stream as an elevated temperature waste, as defined by the Thermal Plan. Additional temperature monitoring requirements for the receiving water have been established in order to determine the applicability of the Thermal Plan to the discharge.

5. WQBEL Calculations

- a. Water Quality Based Effluent Limits (WQBELs) are based on monitoring results using the following calculation process and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (SIP). WQBEL calculations for copper and bromoform are summarized in Table IV.B.5.
- b. WQBELS Calculation Example

Using copper as an example, the following demonstrates how water quality based effluent limits were established for this Order. The process for developing these limits is in accordance with Section 1.4 of the SIP. Table IV.B.5 summarizes the development and calculation of all water quality-based effluent limitations for this Order using the process described below.

Step 1: For each constituent requiring an effluent limit, identify the applicable water quality criteria or objective. For each criteria determine the effluent concentration allowance (ECA) using the following equation:

$$\begin{aligned} \text{ECA} &= C + D(C-B) && \text{when } C > B, \text{ and} \\ \text{ECA} &= C && \text{when } C = B, \end{aligned}$$

Where C = The priority pollutant criterion/objective, adjusted if necessary for hardness, pH and translators. In this Order a hardness value of 333 mg/L (as CaCO₃) was used for development of hardness-dependant criteria, and a pH of 7.89 was used for pH-dependant criteria.
D = The dilution credit, and
B = The ambient background concentration

As discussed below, for this Order, dilution was not allowed; therefore:

$$\text{ECA} = C$$

For copper the applicable water quality criteria are (reference Table IV-B (5)):

$$\begin{aligned} \text{ECA}_{\text{acute}} &= 43.50 \text{ } \mu\text{g/L} \\ \text{ECA}_{\text{chronic}} &= 26.08 \text{ } \mu\text{g/L} \\ \text{ECA}_{\text{human health}} &= 1300 \text{ } \mu\text{g/L} \end{aligned}$$

Step 2: For each ECA based on aquatic life criterion/objective, determine the long-term average discharge condition (LTA) by multiplying the ECA by a factor (multiplier). The multiplier is a statistically based factor that adjusts the ECA to account for effluent variability. The value of the multiplier varies depending on the coefficient of variation (CV) of the data set and whether it is an acute or chronic criterion/objective. Table 1 of the SIP provides pre-calculated values for the multipliers based on the value of the CV.

Equations to develop the multipliers in place of using values in the tables are provided in Section 1.4, Step 3 of the SIP and will not be repeated here.

$$LTA_{acute} = ECA_{acute} \times Multiplier_{acute}$$

$$LTA_{chronic} = ECA_{chronic} \times Multiplier_{chronic}$$

The CV for the data set must be determined before the multipliers can be selected and will vary depending on the number of samples and the standard deviation of a data set. If the data set is less than 10 samples, or at least 80% of the samples in the data set are reported as non-detect, the CV shall be set equal to 0.6.

For copper, the following data was used to develop the acute and chronic LTA using Table 1 of the SIP:

No. of Samples	CV	<u>Multiplier_{acute}</u>	<u>Multiplier_{chronic}</u>
<4	0.6	0.321	0.527

$$LTA_{acute} = 43.50 \mu\text{g/L} \times 0.321 = 13.97 \mu\text{g/L}$$

$$LTA_{chronic} = 26.08 \mu\text{g/L} \times 0.527 = 13.76 \mu\text{g/L}$$

Step 3: Select the most limiting (lowest) of the LTA.

LTA = most limiting of LTA_{acute} or $LTA_{chronic}$

For copper, the most limiting LTA was the $LTA_{chronic}$

$$LTA = 13.76 \mu\text{g/L}$$

Step 4: Calculate the water quality based effluent limits by multiplying the LTA by a factor (multiplier). Water quality-based effluent limits are expressed as Average Monthly Effluent Limitations (AMEL) and Maximum Daily Effluent Limitation (MDEL). The multiplier is a statistically based factor that adjusts the LTA for the averaging periods and exceedance frequencies of the criteria/objectives and the effluent limitations. The value of the multiplier varies depending on the probability basis, the coefficient of variation (CV) of the data set, the number of samples (for AMEL) and whether it is monthly or daily limit. Table 2 of the SIP provides pre-calculated values for the multipliers based on the value of the CV and the number of samples. Equations to develop the multipliers in place of using values in the tables are provided in Section 1.4, Step 5 of the SIP and will not be repeated here.

$$AMEL_{aquatic\ life} = LTA \times AMEL_{multiplier}$$

$$MDEL_{aquatic\ life} = LTA \times MDEL_{multiplier}$$

AMEL multipliers are based on a 95th percentile occurrence probability, and the MDEL multipliers are based on the 99th percentile occurrence probability. If the number of samples is less than four (4), the default number of samples to be used is four (4).

For copper, the following data was used to develop the AMEL and MDEL for aquatic life using Table 2 of the SIP:

No. of Samples	CV	<u>Multiplier_{MDEL}</u>	<u>Multiplier_{AMEL}</u>
<4	0.6	3.11	1.55

$$\text{AMEL}_{\text{aquatic life}} = 13.76 \times 1.55 = 21.35 \mu\text{g/L}$$

$$\text{MDEL}_{\text{aquatic life}} = 13.76 \times 3.11 = 42.84 \mu\text{g/L}$$

Step 5: For the ECA based on human health, set the AMEL equal to the ECA_{human health}

$$\text{AMEL}_{\text{human health}} = \text{ECA}_{\text{human health}}$$

For copper:

$$\text{AMEL}_{\text{human health}} = 1300 \mu\text{g/L}$$

Step 6: Calculate the MDEL for human health by multiplying the AMEL by the ratio of the Multiplier_{MDEL} to the Multiplier_{AMEL}. Table 2 of the SIP provides pre-calculated ratios to be used in this calculation based on the CV and the number of samples.

$$\text{MDEL}_{\text{human health}} = \text{AMEL}_{\text{human health}} \times (\text{Multiplier}_{\text{MDEL}} / \text{Multiplier}_{\text{AMEL}})$$

For copper, the following data was used to develop the MDEL_{human health}:

No. of Samples	CV	<u>Multiplier_{MDEL}</u>	<u>Multiplier_{AMEL}</u>	<u>Ratio</u>
<4	0.6	3.11	1.55	2.01

$$\text{MDEL}_{\text{human health}} = 1300 \mu\text{g/L} \times 2.01 = 2608.04 \mu\text{g/L}$$

Step 7: Select the lower of the AMEL and MDEL based on aquatic life and human health as the water-quality based effluent limit for the Order.

For copper:

<u>AMEL_{aquatic life}</u>	<u>MDEL_{aquatic life}</u>	<u>AMEL_{human health}</u>	<u>MDEL_{human health}</u>
21.35 $\mu\text{g/L}$	42.84 $\mu\text{g/L}$	1300 $\mu\text{g/L}$	2608.04 $\mu\text{g/L}$

The lowest (most restrictive) effluent limitations in this example are based on aquatic toxicity and were incorporated into this Order. These limitations will be protective of human health.

Summary of Water Quality-based Effluent Limitations for Monitoring Location 001

Constituent	Units	Calculated Effluent Limitations	
		Average Monthly	Average Weekly
Copper	µg/L	21.35	42.84
Bromoform	µg/L	4.3	8.63

c. Mass-Based Limitation Calculation Example

In compliance with 40 CFR section 122.45(f), mass-based limitations have also been established in the proposed Order for conventional, nonconventional, and toxic pollutants. Generally, mass-based limitations ensure that proper treatment, and not dilution is employed to comply with the final effluent concentration limitations. The mass-based effluent limitations contained in this Order are based on a maximum total discharge flow rate established for Discharge Point No. 001 of 85,000 gpd. When calculating the mass-based limitations for discharges, the appropriate flow, daily maximum limitations for daily maximum mass calculations, and the monthly average limitations when calculating the monthly average mass, should be substituted in the following equation:

$$\text{Mass (lbs/day)} = \text{flow rate (MGD)} \times 8.34 \times \text{effluent limitation (mg/L)}$$

where:

- mass = mass limitation for a pollutant (lbs/day)
- effluent limitation = concentration limit for a pollutant (mg/L)
- flow rate = discharge flow rate (MGD)

Using copper's monthly average effluent limitation as an example, the following demonstrates how water quality based effluent limits were established for this Order.

$$\text{Mass (lbs/day)} = 0.085 \text{ (MGD)} \times 8.34 \times 0.02135 \text{ (mg/L)} = 0.0151 \text{ lbs/day}$$

In compliance with the procedures specified in 40 CFR 122.45(f), and outlined in this Fact Sheet, the following water quality-based effluent limitations have been established in the proposed Order:

Table IV.B.5 Summary of Calculated Water Quality-based Effluent Limitations

Discharge Point 001 -- Monitoring Location 001

Constituent	Units	Effluent Limitations		
		Average Monthly	Maximum Daily	Bases
Copper ¹	µg/L	21.35	42.84	CTR, SIP
	Lbs/day ²	0.0151	0.0304	
Bromoform	µg/L	4.3	8.63	CTR, SIP
	Lbs/day ²	0.0030	0.0061	
TDS	mg/L	500	550	Basin Plan,

	Lbs/day ²	355	390	Previous Permit
pH	Standard Units	6.5 – 8.5		Basin Plan

¹ Discharge limitations for copper are expressed as total recoverable

² Mass based limits were calculated using a maximum flow rate of 85,000 gpd.

6. Whole Effluent Toxicity (WET)

Whole effluent toxicity (WET) protects the receiving water quality from the aggregate toxic effect of a mixture of pollutants in the effluent. WET tests measure the degree of response of exposed aquatic test organisms to an effluent. The WET approach allows for protection of the narrative “no toxics in toxic amounts” criterion while implementing numeric criteria for toxicity. There are two types of WET tests: acute and chronic. An acute toxicity test is conducted over a short time period and measures mortality. A chronic toxicity test is conducted over a longer period of time and may measure mortality, reproduction and growth.

The Basin Plan specifies a narrative objective for toxicity, requiring that all waters be maintained free of toxic substances that produce detrimental responses in aquatic organisms. Detrimental response includes but is not limited to decreased growth rate, decreased reproductive success of resident or indicator species, and/or significant alterations in population, community ecology, or receiving water biota. The Basin Plan further dictates that compliance with the toxicity objective shall, at a minimum be evaluated with a 96-hour acute bioassay and effluent limits based upon acute bioassays of effluents be prescribed where appropriate.

The previous permit established a narrative acute toxicity limitation, which states, “No Acute Toxicity shall occur in undiluted effluent.” This Order carries over the acute toxicity effluent limitation of no acute toxicity in undiluted effluent. For the purposes of determining compliance with this requirement, no acute toxicity occurring in undiluted effluent shall be defined as 0 (TUa).

Acute toxicity is to be calculated using the following formula:

$$TUa = \frac{100}{96 - hr LC 50\%}$$

Where Lethal Concentration 50% (LC 50) shall be determined by static or continuous flow bioassay techniques using standard test species. If specific identifiable substances in wastewater can be demonstrated by the discharger as being rapidly rendered harmless upon discharge to the aquatic environment, but not as a result of dilution, the LC 50 may be determined after the test samples are adjusted to remove the influence of those substance.

When it is not possible to measure the 96-hour LC50 due to greater than 50% survival of the test species in 100% wastewater, the toxicity concentration shall be calculated by the expression:

$$TU_a = \frac{\text{Log}(100 - S)}{1.7}$$

Where:

S = percentage survival in 100% waste

If S > 99, TUa shall be reported as zero

Compliance with the acute toxicity effluent limitation shall be determined by short-term (acute) toxicity tests on undiluted effluent using an established protocol, e.g., American Society for Testing and Materials (ASTM), American Public Health Association, US EPA, or SWRCB.

C. Final Effluent Limitations

Section 402(o) of the Clean Water Act and 40 CFR 122.44(I) require that effluent limitations standards or conditions in reissued permits be at least as stringent as those in the existing permit.

Effluent limitations for copper and bromoform have been established in accordance with the requirements contained within sections 1.3 and 1.4 of the SIP.

The average monthly and maximum daily effluent limitations for TDS have been carried over from Order No. 2000-34. The effluent limitations have been revised to comply with the water quality objectives contained in Table 3-2 of the Basin Plan and to be protective of the receiving water body for TDS.

Effluent limitations for total residual chlorine have been established based on BPJ and further supported by the USEPA Gold Book and Orders previously adopted by this Regional Board.

The effluent limitation for pH has been carried over from the previous permit and is consistent with the requirements contained within Chapter 3 of the Basin Plan.

Order No. R9-2005-0015 establishes effluent limitations for copper, bromoform, TDS, pH, total residual chlorine, and acute toxicity. The effluent limitations established in Order No. R9-2005-0015 are consistent with the applicable federal and state anti-backsliding regulations.

Table IV.C - Summary of Final Effluent Limitations

Discharge Point 001 -- Monitoring Location 001

Constituent	Units	Effluent Limitations				Basis
		Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum	
Copper ¹	µg/L	21.35	--	42.84	--	CTR, SIP
	Lbs/day ²	0.0151	--	0.0304	--	
Bromoform	µg/L	4.3	--	8.63	--	CTR, SIP
	Lbs/day ²	0.0030	--	0.0061	--	
TDS	mg/L	500	--	550	--	Previous Permit,

	Lbs/day ²	355	--	390	--	Basin Plan
Total Residual Chlorine	µg/L	2	--	4	10	EPA Gold Book, Other adopted Orders
	Lbs/day ¹	0.0014	--	0.0028	0.0071	
PH	Standard Units	6.5 – 8.5 ³				Basin Plan Previous Order,
Acute Toxicity	TUa	--	--	0	--	Basin Plan Previous Order,

¹ Discharge limitations for copper are expressed as total recoverable

² Mass based limits were calculated using a maximum flow rate of 85,000 gpd.

³ The pH shall remain within this range at all times.

D. Interim Effluent Limitations

Based on effluent monitoring data submitted by the Discharger, a comparison between the MEC and calculated AMEL values shows that the Discharger may be unable to consistently comply with effluent limitations for copper and bromoform as established in the Order. Further, data submitted to the Regional Board indicates that the Discharger may be unable to consistently comply with effluent limitations established in the Order for total residual chlorine. Interim limitations have been prescribed for these constituents. The Order contains a compliance schedule that allows the Discharger up to 3 years to comply with the final effluent limitations for copper and bromoform and 12 months to comply with the final effluent limitations for total residual chlorine. Within 1 year after the effective date of the Order, the Discharger must prepare and submit a compliance plan that describes the steps that will be taken to ensure compliance with the final effluent limitations for copper and bromoform. Within 6 months after the effective date of the Order, the Discharger must prepare and submit a compliance plan that describes the steps that will be taken to ensure compliance with the final effluent limitations for total residual chlorine.

The interim effluent limitations and effective dates for copper, bromoform and total chlorine residual are shown in the table below. Upon expiration of the interim limitations the Discharger must comply with the final effluent limitations.

Constituent (units)	Daily Maximum Concentration	Rationale ¹	Expiration Date ²
Copper (µg/L) ³	50	MEC	<3 years>
Bromoform (µg/L)	6.6	MEC	<3 years>
Total Residual Chlorine (mg/L)	1.5	MEC	<12 months>

¹ MEC – Based on the maximum effluent concentration reported by the facility.

² The date the Discharger must comply with the final effluent limitations established in section IV.C of this Order.

³ Discharge limitations for these metals are expressed as total recoverable.

The Discharger is required to develop and implement a compliance plan that will identify the measures that will be taken to reduce the concentrations of copper, bromoform, and total residual chlorine in their discharge. This plan should evaluate options to achieve compliance with the

final effluent limitations. These options can include, for example, evaluating and updating available treatment unit processes, upgrading the system if necessary, and maintaining proper operation and maintenance of the treatment system.

E. Pond Discharge Specifications (NOT APPLICABLE)

F. Land Discharge Specifications (NOT APPLICABLE)

V. RATIONALE FOR RECEIVING WATER LIMITATIONS

Receiving water limitations have been established in Order No. R9-2005-0015 based on water quality objectives specified in Chapter 3 of the Basin Plan to ensure the reasonable protection of beneficial uses and the prevention of nuisance.

A. Surface Water

The discharge of waste through Outfall 001 shall not cause violation of the Basin Plan water quality objectives. Compliance with the water quality objectives shall be determined, if needed, from samples collected at stations representative of the area determined by the Regional Board to be affected by the discharge.

B. Groundwater (NOT APPLICABLE)

VI. MONITORING AND REPORTING REQUIREMENTS

NPDES permits are required (40 CFR 122.48) to specify recording and reporting of monitoring results. Sections 13267 and 13383 of the California Water Code authorize the boards to require technical and monitoring reports. Monitoring and Reporting Program No. R9-2005-0015 establishes monitoring and reporting requirements to implement federal and state requirements. The following provides the rationale for the monitoring and reporting requirements contained in Monitoring and Reporting Program No. R9-2005-0015.

A. Influent Monitoring (NOT APPLICABLE)

B. Effluent Monitoring

The previous Monitoring and Reporting Program (MRP) No. 2000-34 Mountain Water Ice Company required flow monitoring for each discharge and semiannual monitoring for temperature, total chlorine residual, conductivity, pH, and TDS. In addition, acute toxicity monitoring was required once in five years.

Flow monitoring for each discharge event and semiannual monitoring for temperature, total chlorine residual, conductivity, and pH are being carried over to the current MRP. Effluent monitoring for TDS has been increased to monthly based on previous violations of effluent limitations and the 303(d) listing for the San Luis Rey River. Further, the acute toxicity-monitoring requirement for once during the life of the permit has been carried over.

Semi-annual effluent monitoring for copper and bromoform is required in order to determine compliance with the new effluent limitations.

In addition, Semiannual monitoring for chloride and sulfate has been established based on the fact that these two parameters have been determined to be pollutants of concern as discussed in section IV.B.4 of this Fact Sheet. Semiannual monitoring for these pollutants will be used to help determine the need for future effluent limitations for these parameters.

Effluent monitoring requirements of MRP No. R9-2005-0015 are summarized in the following table. MRP No. R9-2005-0015 should be consulted for greater detail regarding specific monitoring requirements.

Constituent ¹	Units	Sample Type	Frequency
Flow	GPD	Continuous	Daily
Temperature	°F	Grab	Semi-annual
pH	Standard Units	Grab	Semi-annual
Copper ²	µg/L	Grab	Semi-annual
	Lbs/day	Calculated ³	
Bromoform ²	µg/L	Grab	Semi-annual
	Lbs/day	Calculated ³	
Sulfate	mg/L	Grab	Semi-annual
Chloride	mg/L	Grab	Semi-annual
Total Chlorine Residual	mg/L	Grab	Semi-annual
	Lbs/day	Calculated ³	
Total Dissolved Solids (TDS)	mg/L	Grab	Monthly
	Lbs/day	Calculate ³	
Acute Toxicity	TUa	24 hr composite	Once over the term of the Order.

¹ All parameters shall be analyzed by the methods specified in 40 CFR 136.3.

² All metals shall be expressed as total recoverable.

³ Lbs/day shall be calculated by the discharger for each monitoring event using the following formula:

$$\text{Lbs/day} = 0.00834 \times \text{Ce} \times \text{Q}$$

where:

Ce = the effluent concentration limit, µg/l.

Q = flow rate, million gallons per day (MGD)

⁴ Acute Toxicity results are due one year prior to the expiration date of the permit.

All monitoring procedures (including whole effluent toxicity testing procedures) must be in accordance with the monitoring procedures specified in the Basin Plan and 40 CFR 136.3.

C. Receiving Water Monitoring

1. Surface Water

Semi-annual receiving water monitoring requirements have been established in Monitoring and Reporting Program R9-2005-0015 for temperature in order to determine if the effluent is an

elevated temperature waste discharge as defined by the Thermal Plan, and to determine the applicability of the Thermal Plan to this discharge.

The Discharger is required to submit data sufficient for: (1) determining if water quality-based effluent limitations for priority pollutants are required, and (2) to calculate effluent limitations, if required. The *Policy for the Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (March 2, 2000) requires that the Regional Boards require periodic monitoring for which criteria or objectives apply and for which no effluent limitations have been established. Accordingly this Regional Board is requiring that the Discharger conduct receiving water monitoring for the priority pollutants once over the term of the Order as specified in section IX of Monitoring and Reporting Program R9-2005-0015 and further explained in section VII.A of this Fact Sheet.

Additional receiving water monitoring will not be required under the provisions of this Order unless requested later in writing by the Executive Officer.

2. Groundwater (NOT APPLICABLE)

D. Other Monitoring Requirements

- 1. Water Supply Monitoring (NOT APPLICABLE)**
- 2. Pretreatment Monitoring (POTWs Only) (NOT APPLICABLE)**
- 3. Sludge Monitoring (POTWs only) (NOT APPLICABLE)**
- 4. Storm Water Monitoring (NOT APPLICABLE)**
- 5. Treatment Pond/Lagoon Monitoring (NOT APPLICABLE)**
- 6. Land Application Monitoring (NOT APPLICABLE)**
- 7. Thermal Monitoring (NOT APPLICABLE)**
- 8. Dioxin Monitoring (NOT APPLICABLE)**

VII. RATIONALE FOR SPECIAL PROVISIONS

A. Special Studies and Additional Monitoring Requirements

This Order requires the Discharger to conduct monitoring pursuant to the California Toxics Rules and the SIP once during the term of the Order.

Fro the first 12 months after the adoption of the Order, the Discharger shall conduct monthly effluent monitoring for TDS, temperature, bromoform, copper and total residual chlorine. The effluent monitoring data shall be submitted to the Regional Board by June 1, 2006. The

Discharger will revert to the effluent monitoring schedule as specified in the Monitoring and Reporting Program, Section IV.A.1. The Regional Board shall determine whether the discharge effluent concentrations for those parameters have the potential to impact the receiving water.

The Regional Board is requiring, as part of the Monitoring and Reporting Program, that the Discharger conduct effluent monitoring for the priority pollutants for which there are no effluent limitations established in the Order. In addition, the Regional Board is requiring that the Discharger conduct receiving water monitoring for the priority pollutants at the same time effluent samples are collected. Further, the Discharger must analyze pH and hardness of the receiving water concurrent with the analysis for the priority pollutants.

This monitoring shall occur at the following locations:

- Effluent discharge point (Discharge Serial No. 001).
- Receiving water. The monitoring stations shall be at 50 feet upstream from the discharge point of the storm drain to the San Luis Rey River.

The Discharger shall conduct CTR monitoring once during the term of the permit as established in section VI.C.2.b. of the Waste Discharge Requirements and section IX of the Monitoring and Reporting Program. Monitoring shall be conducted between January 1, 2009 and June 31, 2009. The results of this CTR monitoring data shall be submitted at least 180 days prior to the expiration date of this Order and shall be submitted with the Report of Waste Discharge.

B. Best Management Practices and Pollution Prevention (NOT APPLICABLE)

C. Compliance Schedules

Based on effluent monitoring data submitted by the Discharger, a comparison between the MEC and calculated AMEL values indicates that the Discharger may be unable to consistently comply with effluent limitations established in the proposed Order for copper and bromoform. Further, data submitted to the Regional Board indicates that the Discharger may be unable to consistently comply with effluent limitations established in the proposed Order for total residual chlorine. Interim limits have been prescribed for these constituents. The proposed Order contains a compliance schedule that allows the Discharger up to 3 years to comply with the final effluent limitations for copper and bromoform. Within 1 year after the effective date of the Order, the Discharger must prepare and submit a compliance plan that describes the steps that will be taken to ensure compliance with the final effluent limitations for copper and bromoform.

The Order contains a compliance schedule that allows the Discharger 12 months to comply with the final effluent limitations for total residual chlorine. Within 6 months after the effective date of the Order, the Discharger must prepare and submit a compliance plan that describes the steps that will be taken to ensure compliance with the final effluent limitations for total residual chlorine.

Forty CFR §131.38(e) provides conditions under which interim effluent limitations and compliance schedules may be issued. The SIP allows inclusion of an interim limitation with a specific compliance schedule included in a NPDES permit for priority pollutants if the limitation for the priority pollutant is CTR-based. Because the CTR-based effluent limitations for copper and bromoform appear infeasible for the Discharger to achieve at this time, interim limitations for copper and bromoform are contained in this Order.

The SIP requires that the Regional Board establish other interim requirements such as requiring the discharger to develop a pollutant minimization plan and/or source control measures and participates in the activities necessary to achieve the final effluent limitations. These interim limitations shall be effective until three years after the effective date of the Order, after which, the Discharger shall demonstrate compliance with the final effluent limitations.

Pursuant to the SIP (Section 2.2.1, Interim Requirements under a Compliance Schedule), when compliance schedules are established in an Order, interim limitations must be included based on current treatment facility performance or existing permit limitations, whichever is more stringent to maintain existing water quality. Order No. 2000-34 does not contain effluent limitations for copper and bromoform. For copper and bromoform, the MEC will serve as the interim effluent limitation concentration for these constituents. It should be noted that the Regional Board might take appropriate enforcement actions if interim limitations and requirements are not met.

D. Specifications for Operations (NOT APPLICABLE)

E. Special Provisions for Municipal Facilities (POTWs Only) (NOT APPLICABLE)

F. Re-Opener Provisions

1. This Order may be reopened to include effluent limitations for toxic constituents determined to be present in significant amounts in the discharge by the Regional Board.
2. This Order may be reopened and modified, to incorporate in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include requirements for the implementation of the watershed management approach.
3. This Order may be reopened and modified, in accordance with the provisions set forth in 40 CFR Parts 122 and 124, to include new Minimum Levels (MLs).
4. This Order may be reopened and modified to revise effluent limitations as a result of future Basin Plan amendments, such as an update of an objective or the adoption of a TMDL for the receiving water body.
5. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Regional Board, to provide for dilution credits or a mixing zone, as may be appropriate.

6. This Order may be reopened and modified to revise the toxicity language once that language becomes standardized.
7. This Order may also be reopened and modified, revoked, and reissued or terminated in accordance with the provisions of 40 CFR sections 122.44, 122.62 to 122.64, 125.62, and 125.64. Causes for taking such actions include, but are not limited to, failure to comply with any condition of this Order and permit, and endangerment to human health or the environment resulting from the permitted activity.

VIII. PUBLIC PARTICIPATION

The California Regional Water Quality Control Board, San Diego Region (Regional Board) is considering the issuance of waste discharge requirements (WDRs) that will serve as a National Pollutant Discharge Elimination System (NPDES) permit for Mountain Water Ice Company. As an initial step in the WDR process, the Regional Board staff has developed tentative WDRs. The Regional Board encourages public participation in the WDR adoption process.

A. Notification of Interested Parties

The Regional Board has notified the Discharger, interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Notification was provided through the North County Times on February 4, 2005.

B. Written Comments

Interested persons are invited to submit written comments upon these draft Waste Discharge Requirements. Comments should be submitted either in person or by mail, during business hours, to:

John H Robertus, Executive Officer
Attn: Industrial Compliance Unit
Regional Water Quality Control Board, San Diego Region
9174 Sky Park Court, Suite 100
San Diego, California 92123

To ensure that the Regional Board has the opportunity to fully study and consider written material, comments regarding Order No. R9-2005-0015 should be received in the Regional Board's office no later than 5:00 PM on February 23, 2005. Written material submitted after 5:00 PM on March 2, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. Oral comments will be received at the hearing on March 9, 2005.

C. Public Hearing

In accordance with 40 CFR 124.10, the Regional Board must issue a public notice whenever NPDES permits have been prepared, and that the tentative permits will be brought before the

Regional Board at a public hearing. The public notice has been published in North County Times no less than 30 days prior to the scheduled public hearing. The Regional Board at a public hearing beginning at 9:00 am on March 9, 2005 will consider Order No. R9-2005-0015. The location of this meeting is as follows:

Date: March 9, 2005

Time: 9:00 am

Location: Regional Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court, Suite 100
San Diego, California 92123

D. Information and Copying

For additional information, interested persons may write the following address or contact Mr. Tony Felix of the Regional Board by e-mail at TFelix@waterboards.ca.gov or at (858) 636-3134.

Regional Water Quality Control Board, San Diego Region
Attn: Industrial Compliance Unit
9174 Sky Park Court, Suite 100
San Diego, California 92123

Copies of the applications, NPDES waste discharge requirements, and other documents (other than those that the Executive Officer maintains as confidential) are available at the RWQCB office for inspections and copying according to the following schedule (excluding holidays):

Monday and Thursday:	1:30 pm to 4:30 pm
Tuesday and Wednesday:	8:30 am to 11:30 am 1:30 pm to 4:30 pm
Friday:	8:30 am to 11:30 pm

An electronic copy of the Fact Sheet and Order can be accessed on the Regional Board website: <http://www.swrcb.ca.gov.rwqcb9/>.

E. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Board, reference this facility, and provide a name, address, and phone number.